



PLAN OF MANAGEMENT PUNCH PARK

LEICHHARDT MUNICIPAL COUNCIL

October 2010

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1. Introduction

1.1 Purpose of the Plan of Management

This Plan of Management has been developed to guide Council and the community in the future development, maintenance and management of Punch Park, Balmain.

Leichhardt Council has established broad objectives in relation to public open space management:

- a) To improve the amenity of open space within the Leichhardt Local Government Area;
- b) To prepare and establish Plans of Management including Landscape Master plans for each area of open space that guides the future development, management and maintenance of its open space facilities;
- c) To actively engage community input in the preparation of Plans of Management for parkland areas and provide informed planning advice to Council;
- d) To reduce ongoing maintenance costs through the improved design and management of facilities;
- e) To implement sustainability principles with consideration of Council's Leichhardt 2020+ Strategic Plan; and
- f) To establish a proposed and documented program for staged improvement works which are prioritised and agreed to by Council.

This Plan of Management also supports the vision and directions outlined in Council's 2020+ Strategic Plan in relation to community well-being; accessibility; and a sustainable environment and specifically the objective to "Plan open space and other developments to increase open space, enhance the natural environment and native biodiversity".

1.2 Overview of Punch Park

Punch Park is located within the densely populated suburb of Balmain and is bounded by Wortley Street, Reynolds Street and Foy Street. Refer to Figure 1 for a location plan and Figure 2 for an aerial photograph of the park. The land is described as Lot 1 of Deposited Plan 797902. The Park is approximately 0.85 hectares in area.

Punch Park is owned by Council and is classified as Community Land.

The site comprises predominately passive open space but also provides for active and structured recreational opportunities in the form of two tennis courts with an ancillary building; and an enclosed children's playground. The parkland is characterised by open grassed areas bordered on the southern edge and diagonally by large mature trees including significant Brush Box trees. There are significant Canary Island Date Palms in the north-eastern corner.

The park is primarily used for passive public recreation, including walking, dog walking, and playing in addition to the active use of the tennis courts. Use of Punch Park for dog walking is governed by Council Policy in relation to leashed and off-leash use.

The Park is located on the southern slope of the peninsula, approximately half way between the ridge and White Bay. The surrounding land uses comprise:

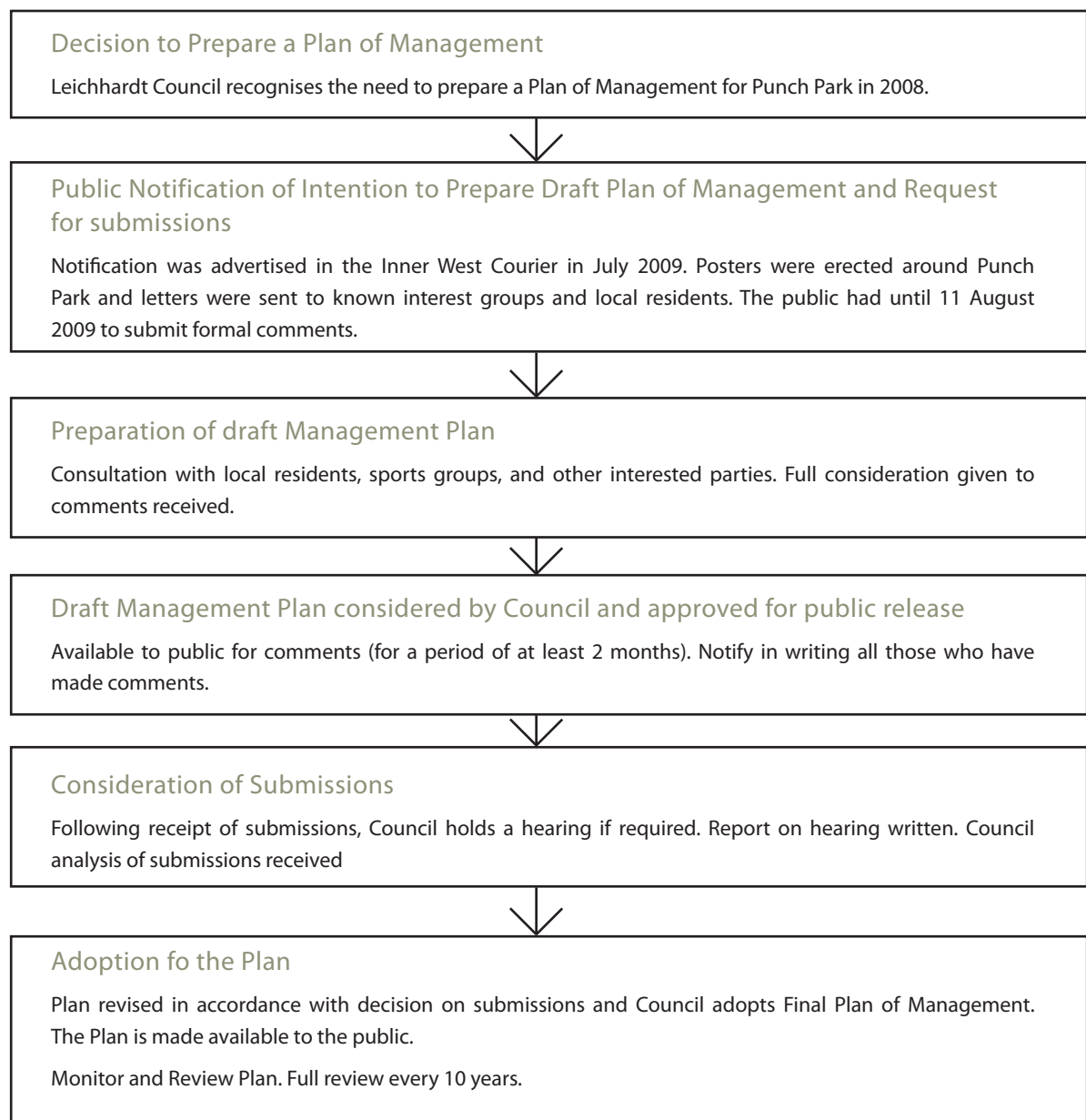
- Single residential dwellings to the north and west across Wortley Street and Reynolds Street;
- Guest house to the east; and
- Multi-unit housing to the south (constructed following the rezoning of previously industrial uses).

Punch Park was formally established as a park when the Borough of Balmain purchased the land in 1887. An aerial

photograph in Section 4.1 (pp22) below shows Punch Park in 1943. On this date, improvements including the tennis courts, pathways and trees can be seen on the site. This photograph also highlights the historical industrial uses of the Balmain peninsula.

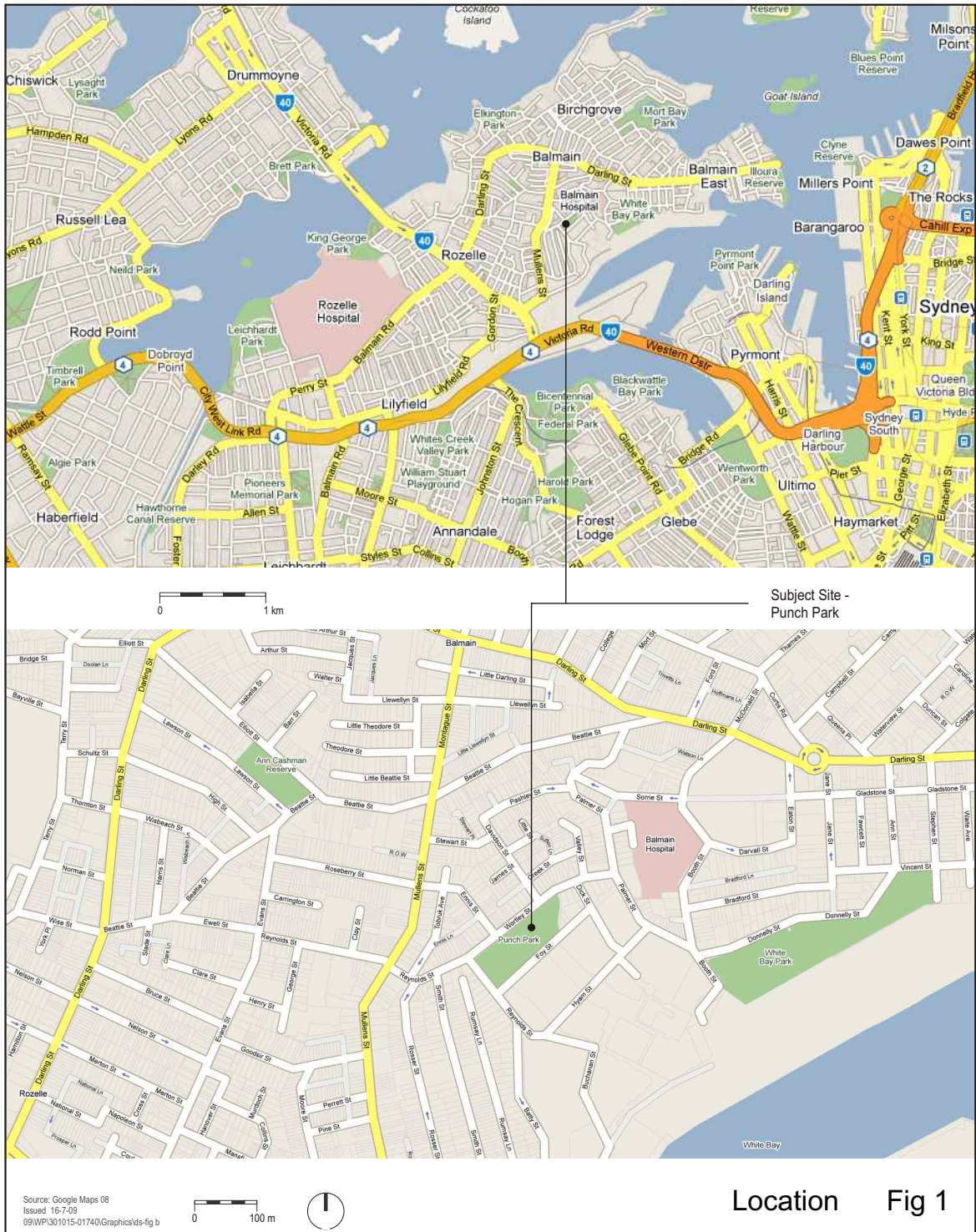


Process to Prepare Punch Park Plan of Management





Aerial view of Punch Park highlighting the tennis courts and formal plantings that form the boundary to the residential streets.





0 50 m

Subject Site - Punch Park
16-30 Worley St, Balmn



Source: SIX.nsw.gov.au, Bingmaps.com.au
Issued 21-9-09
09/WP301015-01740/Graphics/ids-fig b



Site Fig 2

2. Statutory Context

The statutory framework to guide the preparation and operation of the plan of management for Punch Park is primarily set by the:

- Local Government Act 1993
- Environmental Planning and Assessment Act 1979

In addition, the other legislation, regulations and environmental planning instruments of relevance to the plan of management are:

- Environmental Planning and Assessment Regulation 2000
- Leichhardt Local Environmental Plan 2000
- Companions Animals Act 1998
- Disability Discrimination Act 1992

2.1 Local Government Act 1993

The Local Government Act 1993 (Local Government Act) 1993 is the legal framework for the system of local government in NSW.

Provisions of the Local Government Act relating to plans of management are set out below. These prescribe the content of the plan; categorisation of land and objectives relating to these categories of land; and procedures relating to public notice, exhibition and amendments to the plan.

Integrated Planning

On 1 October 2009 the NSW Government introduced a range of initiatives design to integrate and improve Long Term Strategic Planning within NSW Local Government. The reforms require that Local Government develops a series of inter-related plans comprising a:

- 10-year community strategic plan establishing strategic objectives (local priorities and future aspirations) together with strategies for achieving those objectives;
- Resourcing strategy including asset management planning, a workforce management strategy and long term financial planning. The resourcing strategy is to plan for the resources required to implement the strategies established by the community strategic plan that the council is responsible for; and
- Delivery program for every four years showing how projects and programs are going to be delivered during a council's term in office. The delivery program is to detail the principal activities to be undertaken by the council to implement the strategies established by the community strategic plan within the resources available under the resourcing strategy.

Leichhardt Council is in the process of completing its resourcing strategy and delivery program. The work carried out to date has confirmed the need for infrastructure improvements. In addition to ensuring that all existing assets are maintained Council also has other statutory responsibilities – for example the implementation of its Disability and Discrimination Act Action Plan.

As such in developing a Plan of Management, Council has a responsibility to ensure that the contents of the plan can be funded over a reasonable period of time.

To facilitate this requirement Council staff will be assessing individual elements of the Plan of Management in terms of:

1. Their being a demonstrated need or requirement supported by relevant documentary evidence

2. The likely cost and the cumulative impact on Council's capital works program.
3. The likely delivery date in the context of other items already listed on the Delivery Program. In this regard Council list individual items in one of the following three categories:
 - a. short term (1-5 years)
 - b. medium term (5-15 years)
 - c. long term (15 years plus)

Prescribed Contents for Plan of Management

Clause 36 of the Local Government Act provides that a Council must prepare a plan of management for community land. This clause provides that a plan of management must set out:

- the category of the land,
- the objectives and performance targets of the plan with respect to the land,
- the means by which the council proposes to achieve the plan's objectives and performance targets,
- the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets, and
- may require the prior approval of the council to the carrying out of any specified activity on the land.

The plan of management must include a description of the:

- the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
- the use of the land and any such buildings or improvements as at that date, and
- must:
 - specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - describe the scale and intensity of any such permitted use or development.

Clause 37 of the Local Government Act provides that a plan of management prepared for land not owned by a



Council:

- (a) must identify the owner of the land, and
- (b) must state whether the land is subject to any trust, estate, interest, dedication, condition, restriction or covenant, and
- (c) must state whether the use or management of the land is subject to any condition or restriction imposed by the owner, and
- (d) must not contain any provisions inconsistent with anything required to be stated by paragraph (a), (b) or (c).

Categorisation and Objectives for Land

Clause 36(4) requires that the land the subject of the plan of management be categorised as one or more of:

- a natural area
- a sportsground
- a park
- an area of cultural significance
- general community use

The classification of Punch Park is discussed in Part 6.

Procedures for Public Notice, Exhibition and Amendments to Plan

Clause 38 of the Local Government Act provides that the Council must put the draft plan of management on exhibition for a period not less than 28 days. A public notice must specify that submissions can be made on the draft plan of management after the day the exhibition period ceases, for a period of not less than 42 days.

Clause 39 of the Local Government Act provides that prior to the public notice being issued on the draft plan of management (Clause 38) the draft plan of management must be submitted to the owner of the land, and to include any provisions required by the owner of the land.

Clause 40 of the Local Government Act provides that after receiving submissions, the Council has the option to amend the plan of management or to adopt it without amendment. Should Council make amendments, it must again exhibit the plan in accordance with Clause 38 this is, unless the amendments are not considered as substantial, in which case, the plan can be adopted without the requirement for further exhibition.

2.2 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides for a system of environmental assessment and planning for development in NSW. The Act establishes a hierarchy of planning instruments which zone land and regulate specific types of development across the State.

The EP&A Act is the principal environmental planning legislation controlling the development of land in NSW. All State Environmental Planning Policies (SEPPs) and Local Environmental Plans must be consistent with the objects and controls contained within the Act. They include:

- the management, development and conservation of natural and artificial resources,
- the promotion and co-ordination of the orderly and economic use of land,
- protection, provision and co-ordination of communication and utility services,

- provision of public purposes,
- provision and co-ordination of community services and facilities,
- ecological sustainable development, and
- the provision and maintenance of affordable housing.

2.3 State Environmental Planning Policy (Infrastructure) 2007

Division 12 Parks and other Reserves of the Infrastructure SEPP provides that development is permitted without consent for the following purposes where it is carried out by or on behalf of a council on a public reserve under the control of or vested in the council:

- (a) roads, cycleways, single storey car parks, ticketing facilities and viewing platforms, outdoor recreational facilities, including playing fields, but not including grandstands,
- (c) information facilities such as visitors' centres and information boards,
- (d) lighting, if light spill and artificial sky glow is minimised in accordance with AS/NZS 1158: 2007, Lighting for Roads and Public Spaces.
- (e) landscaping, including irrigation schemes (whether they use recycled or other water),
- (f) amenity facilities,
- (g) maintenance depots,
- (h) environmental management works.

2.4 Leichhardt Local Environmental Plan 2000

The Leichhardt Local Environmental Plan 2000 (LEP) is the primary statutory instrument for controlling land use and development in the local government area of Leichhardt.

Zoning

The subject land is zoned 'Open Space, Recreation and Leisure' (Clause 24) under the LEP.

The objectives of this zone are to:

- (a) to maximise the provision of open space in order to provide a diverse range of settings and recreational opportunities to meet the needs of the community,
- (b) to ensure the equitable distribution of, and access to, open space and recreation facilities,
- (c) to retain, protect and promote public access to foreshore areas and provide links to existing open space,
- (d) to ensure development is compatible with any Parks Plans of Management, Landscape Plans and Bicycle Plan adopted by the Council,
- (e) to conserve and enhance the ecological role of open space, including flora and fauna diversity (including the genetic, species and ecosystem diversity of flora and fauna), habitat corridors and the potential of open space to cleanse air, water and soils,
- (f) to provide opportunities in open space for public art.

Development allowed without development consent in the zone includes for the purpose of:

- ancillary sporting structures

-
- open space embellishment
 - playgrounds
 - recreation areas

Development allowed only with development consent in the zone includes for the purpose of:

- clubs
- community facilities
- community gardens
- jetties
- kiosks
- public amenities
- public transport stops
- recreation facilities
- demolition
- subdivision

All other development outside of these purposes above as defined by the LEP is prohibited in the zone. The LEP defines the types of key development set out above.



PUNCH PARK -
Lot 1 DP 797902

COMPOSITE ZONE MAP
INCLUDING IDO 27, SREP 26 AND LEICHHARDT LEP 2000
ZONING MAP ISSUED APRIL 2003

LEP 2000 ZONING		SITE SPECIFIC PROVISIONS	
RESIDENTIAL		IDO 27 ZONING	
BUSINESS		5(A) SPECIAL USES	
INDUSTRIAL		5(B) RAILWAYS	
PUBLIC PURPOSE		SREP 26 ZONING	
OPEN SPACE		PORTS & EMPLOYMENT	
OPEN SPACE (TO BE ACQUIRED)		WATERFRONT USE	
COUNTY ROAD RESERVATION		DEFERRED MATTER	
DEFERRED LAND			

Leichhardt LEP 2000

Source: Leichhardt Council
Issued: 20-7-09
09/WP/301015-01740/Graphical/ids-fig b

0 100 m



Zoning Fig 3

Conservation Areas and Heritage Items

The Leichhardt Heritage Conservation Map identifies all of Punch Park as a "Landscape" heritage item. It is located in a Conservation Area. Refer to Section 4.2 below for a description of this heritage item.

The objectives in the LEP relating to heritage conservation (Clause 15) are as follows:

- (a) to protect, conserve and enhance the cultural heritage and the evidence of cultural heritage, including places, buildings, works, relics, townscapes, landscapes, trees, potential archaeological sites and conservation areas, and provide measures for their conservation,
- (b) to protect, conserve and enhance the character and identity of the suburbs, places and landscapes of Leichhardt, including the natural, scenic and cultural attributes of the Sydney Harbour foreshore and its creeks and waterways, surface rock, remnant bushland, ridgelines and skylines,
- (c) to prevent undesirable incremental change, including demolition, which reduces the heritage significance of places, conservation areas or heritage items,
- (d) to allow compatible and viable adaptation and re-use of the fabric of heritage significance,
- (e) to ensure the protection of relics and places of Aboriginal cultural significance in liaison with the Aboriginal community.

The LEP contains related provisions concerning the development of heritage items or in the vicinity of heritage items. This requires the consent of Council.

2.5 Companion Animals Act 1998

The NSW Companion Animals Act 1998 (Companion Animals Act) has as its object, the "effective and responsible care and management of companion animals."

The Companion Animals Act includes responsibilities for dogs in public places and public places where dogs are prohibited.

Clause 13 of the Act ('Responsibilities while dog in public place') sets out;

A dog that is in a public place must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person.

This section does not apply to a dog accompanied by some competent person in an area declared to be an off-leash area.

Clause 14 sets out that there are some places where dogs are prohibited. These include:

- Children's play areas (within 10 metres of any playing apparatus provided in that public place or part for the use of children);
- Food preparation/consumption areas;
- Recreation areas where dogs are prohibited (for public recreation or the playing of organised games and in which the local authority has ordered that dogs are prohibited);
- Child care centres.

Leichhardt's Access to Open Space Strategy for Dogs is a strategy that determines levels of access of dogs to open space, in accordance with the Companion Animals Act.



Figure 4: Access to Open Space for Dogs – Punch Park (Source: Leichhardt Council, Access to Open Strategy for Dogs)

Figure 4 above shows the area that is subject to off-leash restrictions on the share, as found in the strategy. Associated with this figure are the following restrictions:

“In recognition of the high level of usage of the potential time-share off-leash area by local schools during weekday afternoon periods it is recommended that the area be on-leash on weekends, public holidays and between 12:30pm to 5pm Monday to Friday.”

In accordance with the Companion Animals Act 1998 (refer to Section 2.5) dogs are prohibited within the enclosed Childrens Playground.

2.6 Disability Discrimination Act 1992

The Commonwealth Disability Discrimination Act 1992 (Discrimination Act) sets out to eliminate discrimination against persons with a disability, including in relation to goods, services and facilities and access to premises.

The Discrimination Act sets out provisions relating to “Access to Premises” (Section 23). This makes it unlawful to discriminate against a person on the basis of their disability by denying access to or use of premises or facilities that are public; or by the path of travel to the premises. Exceptions to this rule include if the making of the access to premises would qualify as ‘justifiable hardship’ on the person who provides the access.

Section 24 of the Discrimination Act sets out provisions relating to goods, services and facilities that make it unlawful to discriminate against a person on the basis of their disability by refusing to provide the person with the goods or services or in the manner in which those goods, services or facilities are provided to the person.

Exceptions to this rule includes if the provision of the goods or services or makes the facilities available would qualify as 'justifiable hardship' on the person who provides the goods or services or makes the facilities available.

Refer to Section 2.7 below for discussion on accessibility requirements.

2.7 Balmain Suburb Profile

The Balmain Suburb Profile describes the existing and desired future character of the valley (Balmain) Distinctive Area that includes the area of Punch Park.

While there are no specific objectives or controls relating to Punch Park or open space or generally, it provides an indication of how the surrounding area may develop.

However there are additional controls set out for the Palmer Street Sub Valley area aiming to prevent removal of mature trees, in which Punch Park is situated. The controls require a development application for removal of mature trees accompanied by an arborist report. If the trees are to be removed, provision is to be made for appropriate replacement trees.

Palmer Street Sub Valley – Existing character:

This area is distinct from the remainder of the Valley Neighbourhood primarily due to the steep topography of the area and the resulting tight, irregular road pattern. This area is bounded by Punch Park and Beattie Street as well as Mullens and Palmer Streets. It is characterised by narrow winding streets, irregular lots, mature trees with dense foliage and a multitude of modest, mostly timber housing styles. As a result of the constraints of this area, the built form is generally tighter and denser with reduced setbacks. A strong unifying characteristic of the area is the closed feel of the topography coupled with the density of tree cover. Also of note in this area are the fine Victorian terraces and (former) corner shop on Wortley Street overlooking Punch Park.

3. Consultation

Preliminary Consultation

Two stages of preliminary public consultation were conducted prior to formal exhibition of the draft plan of management. These consultation stages comprised:

1. Invitation for Written Submissions; and
2. Community Consultation Session prior to development of options.

An additional community consultation session was held during the formal exhibition period.

Invitation for Written Submissions

Residents in the vicinity of Punch Park were notified by a letter drop of the intention of Council to prepare a plan of management for Punch Park and written submissions were invited.

Twenty-five (25) written submissions were received in relation to Punch Park. Of these submissions:

- 22 representations were made by park users
- 1 representation was made by a home owner living in another LGA
- 1 representation made by organisation (Fairplay Tennis)
- 1 representation made by a government agency (NSW Health)

The key issues raised in the written submissions related to:

- Use of the tennis courts including access and hours of operation (multi-use, expansion)
- Play equipment (eg Mort Park facilities), equipment for older children
- Seating, undercover seated area (sun and rain protection)
- "Less is more"
- Park lighting
- Facilities for teenagers
- Fitness equipment
- Dog exercise – off and on-leash areas, fouling – (LCAMP)
- Traffic safety of adjacent roads
- Parking (drop-off zone near the tennis courts)
- Toilets
- Active use (mini soccer, cricket, basketball hoops)

A full summary of the issues raised via written submissions can be found at Appendix 1.

Community Consultation Session

Residents in the vicinity of Punch Park were notified by a letter drop of the community consultation session that was held in Punch Park on 8th August 2009. A number of notices were also erected in the park to notify people about the consultation session. The workshop was held in the park because of good accessibility to surrounding residents and because it gave residents the opportunity to show presenters their issues 'first-hand' in the park.

This community consultation session was attended by approximately 16 members of the public.

The key issues raised in the community consultation session related to:

- The playground should be expanded to be similar to Mort Bay playground.
- There is potential conflict from use of open space by dogs and children.
- The potential for the tennis courts to be used as a potential multi-purpose facility. There was a view that the tennis facility should be added to, and not taking from, the tennis use. An alternate view was that could program for both tennis and multi-purpose on the existing facility.
- There was support for and against the idea of a skate ramp.
- Lighting should be placed along pathways to make it safe to walk through.
- Road calming measures are needed to Wortley Street.
- There is a need to look at the 'durability' of fencing for the playground.
- The 'soft edges' of the park are valued as they don't impede surveillance of the park.

A full summary of the issues raised in the community consultation session can be found at Appendix 2.

In addition to the preliminary consultation with the public, a briefing session was held prior to the draft plan of management being submitted to Council for consideration prior to its exhibition.

During the formal exhibition period, a further consultation meeting was held on-site (6 February 2010). This was attended by 31 residents and two Councillors.

The issues from that meeting are summarised below:

- Suggestion that the rock wall to the southern edge of the park could be lifted and wood chipped so that the area would not continuously need to be whipper-snipped. Alternatively, planting could be used.
- A resident who lives next door to the park is concerned that conversion of a tennis court into a teen zone would generate more noise than tennis currently does. It was suggested that basketball is much noisier than tennis.
- There was a question about one court being converted for multi-purpose use and how would people book for use of the courts and the times of use. The response was that the multi-purpose court could still be booked for tennis. Otherwise, as the gate to the multi-purpose court would not be locked, the court can be used for general use if it is not booked.
- One resident mentioned that he anticipates problems associated with the enlargement of the playground. He didn't think it was based on a survey of use and he is concerned about potential noise generation.
- There was the alternate view that the existing playground is constrained on space and there are often queues to use the toddler swing.
- There was the suggestion that there should not be restrictions on dog off-leash 'on the share' on weekends. It was considered that the increase in size of the playground would reduce the demand for use of the open space.
- There was a question about why there would be a need to remove undergrowth to the edge of Wortley Street when there are good sightlines in some areas.
- There is anti-social behaviour in the park after 9pm, including after midnight and the park needs some supervision. This occurs from people walking home from pubs. It was suggested that some sort of supervision needs to occur of the park to prevent anti-social behaviour. Aaron Callaghan (LMC Council officer) mentioned that a Council Community and Safety Committee exists that has a police representative,

which could examine the issues. Everyone was informed that a community service bus travels to Mara Park on Saturday nights to speak with young people to provide community support. It was suggested that a similar service could be provided at Punch Park.

- It was suggested the playground needs a shade structure. The response was that it is current Council policy to provide shade structures over new playgrounds.
- Aaron Callaghan (LMC Council officer) informed that the new playground will be implemented this year and that there will be separate community consultations for this.
- A number of residents have received letters in the mail regarding a proposed substation at the park. The Council representatives were not aware of this and mentioned this will be investigated.
- It was raised there is the potential to open up the existing amenities/storage building as public toilets. The issue was raised that as the park is not a regional park and only a local park, there is no justification for public toilets since park users live close to the park. It was also suggested that there can be anti-social behaviour associated with public toilets. There was subsequent strong opposition to public toilets amongst those present because of potential associated anti-social behaviour.
- A big issue for the park is that garbage bins are overflowing from the weekend and by Monday are very bad. Garbage collection typically occurs on a Tuesday. It was concluded that greater frequency of garbage removal is required.
- The view was raised that there is little maintenance of vegetation etc in the park. It was suggested that a community working bee be held to ensure there is adequate maintenance of the park. Aaron Callaghan (LMC Council officer) raised the potential for "Friends of Parks" where there is a dedicated officer and associated fundraising activities.
- It was raised that there have been some muggings in the park and Balmain Police station is closed at night. Aaron (Council officer) said that there is a police station proposed next to Pioneers Memorial Park. It was suggested that the more complaints are made to the police, the more likely the park is to go up as a hotspot for the police.

Formal written submissions were also received and are summarised in Appendix 1. The submissions and issues raised have been considered and, where appropriate, a number of changes have been made to the Plan.